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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANKUR BHATT and RAGHUNANDAN SARANGARAJAN

Appeal 2009-010934¹
Application 10/699,170
Technology Center 2100

Before JEAN R. HOMERE, JAY P. LUCAS, and
CAROLYN D. THOMAS, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL

¹ The real party in interest is SAP Aktiengesellschaft (SAP AG). (App. Br. 1.)

I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1, 2, 4, 6-8, 10, 13-16, 19, and 20. (App. Br. 1.) Claims 3, 5, 9, 11, 12, 17, and 18 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Appellants' Invention

Appellants invented a method and system for allowing a user to copy to a target database (28) a data element and a related data element selected from a source database (20). In particular, upon selecting the data elements through an export manager interface (16) in the source system (12) containing the source database (20), the user instructs an export agent (18) to copy the selected data elements to a specified export data file (22), which is then transferred to a target system (26) containing the target database (28). (Fig. 1, Spec. 6, l. 23-spec. 7, l. 16, ll. 13-19.) In the event a reference export data file is not specified, the export agent (18) converts the selected data elements to ActiveX Data Object (ADO) specific Extensible Markup Language (XML) files by data item type. Likely, if a reference file is specified and the ADO information for the data elements is not identical, the export agent converts them to ADO XML files by data item type. (Spec. 14, ll. 7-29.)

Illustrative Claim

Independent claim 1 further illustrates the invention. It reads as follows:

1. A method comprising:

accessing at least one data element representing a delta data change from a source database of a source system, the delta data change existing in a first collection of data in the source database;

accessing a related data element from the source database, the related data element defined to have a relationship to the at least one data element and affecting a layout of the at least one data element;

copying the at least one data element and the related data element to an export data file by converting the at least one data element and the related data element to ActiveX Data Object specific extensible markup language files by data type;

transporting the export data file from the source system to a target system having a target database;

displaying, at the target system, a user interface that identifies ones of the at least one data element that exist in a second collection of data stored in the target database, to prompt a user selection of desired ones of the at least one data element to be copied in the target database; and

copying selected ones of the at least one data element and the related data element to the target database.

Prior Art Relied Upon

Yuen	US 5,423,033	June 6, 1995
Multer	US 6,671,757 B1	Dec. 30, 2003
Howard	US 6,768,994 B1	July 27, 2004
Haley	US 6,948,133 B2	Sept. 20, 2005

Rejections on Appeal

1. Claims 1, 2, 6-8, 10, 13-16, 19, and 20 stand rejected under 35 U.S.C. § 103(a)² as being unpatentable over the combination of Multer, Haley, and Howard.
2. Claims 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Multer, Haley, Howard, and Yuen.

Appellants' Contentions

Appellants argue that the proposed combination of Multer, Haley, and Howard does not teach or suggest copying a data element and a related data element to an export data file by converting them to ADO XML files by data type, as required by independent claim 1. (App. Br. 5-7.) According to Appellants, albeit Multer discloses transmitting difference information from a first system to a second system, it does not perform any data conversion to a plurality of XML files by data type. (*Id.* at 5.) Likewise, Appellants argue that Howard's disclosure does not remedy Multer's deficiencies since it is

² Although the Examiner has expressly indicated in the Answer that claims 1, 2, 6-8, 10, 13-16, 19, and 20 are rejected under 35 U.S.C. § 102(e), we note that the Examiner has set forth the appropriate paragraph from 35 U.S.C. § 103 (a) at page 3 of the Answer. We further note that Appellants have properly argued the rejection as a rejection under 35 U.S.C. § 103(a). Consequently, we will consider the Examiner's rejection of the cited claims as being made under 35 U.S.C. § 103(a) and treat the Examiner's error as harmless for purposes of this appeal.

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directed to converting data to XML format to enable the display of the data on a webpage as opposed to converting the data elements to a plurality of ADO XML files by data type. (App. Br. 5, Reply Br. 1-3.)

Examiner's Findings

In response, the Examiner finds that Howard's disclosure of an XML parser that obtains record set data from a database to convert the data to XML via ADO teaches the disputed limitations. (Ans. 9.) Therefore, the pivotal issue before us is as follows:

II. ISSUE

Have Appellants shown that the Examiner erred in finding that the combined disclosures of Multer, Haley, and Howard teaches or suggests copying a data element and a related data element to an export data file by converting them to ADO XML files by data type, as recited in independent claim 1?

III. FINDINGS OF FACT

We find that the following enumerated findings of fact (FF) are supported by at least a preponderance of the evidence. *Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Office).

Multer

1. Multer discloses a system for synchronizing a first device and a second device by transmitting difference information therebetween. (Abst.) In particular, a differencing transmitter (100) extracts data structure of a requesting device, converts it into difference information, and forwards the extracted difference to a target device. If update of certain binary files is required in the target device, the differencing transmitter extracts differences in known files, and any new files in the source device, and transmits the extracted difference information to the target device. (Col. 6, ll. 3-30.)

Howard

2. Howard discloses a database mining and reporting system for monitoring vehicular activities and reporting the same on a user's web browser. (Abst.) The reporting system utilizes a client browser capable of processing XML style sheets, and capable of running ActiveX controls to format display of data. The client also supports Report Editor ActiveX control for modifying the report configuration, as well as chart ActiveX control for displaying bar and pie charts. (Col. 10, ll. 8-27.)
3. Upon receiving a request from the client, the Report Editor XML Parser obtains from the server database via ADO the data report that the user intends to modify, it converts the report to XML format, and then sends the converted report to the client for processing. (Col. 10, ll. 31-40.)

IV. ANALYSIS

A. Obviousness Rejection

We find error in the Examiner's rejection of independent claim 1, which recites, *inter alia*, copying a data element and a related data element to an export data file by converting them to ADO XML files by data type. We find that the combination of Multer and Howard teaches or suggests, at best, upon receiving a request from a client device, a server device copies a difference file containing reports obtained from the server database via ADO, and converts the reports to XML format before forwarding them to the client. (FF. 1, 3.) We agree with Appellants that while the proposed combination teaches converting a copied difference report file to an ADO XML format before exporting it to the client, it does not identify a data element and a related data element (affecting the layout of the data element) that are converted to the cited format by data type. Further, even if we were to find that the report itself and its accompanying format teach the data element and its related data element, respectively, the proposed combination would still fall short of teaching that the data element and the related data element are each converted into a separate ADO XML file by data type, as required by the claim.

Next, we find that since Haley is merely relied upon to buttress Multer's teaching of a data element/related data element pair (Ans. 4), it fails to remedy the noted deficiencies of the Multer-Howard combination.

Since Appellants have shown at least one error in the rejection of claim 1, we need not address Appellants' other arguments pertaining to that

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rejection. It follows that Appellants have shown the Examiner erred in concluding that the combination of Multer, Howard, and Haley renders claim 1 unpatentable.

Claims 2, 6-8, 10, 13-16, 19, and 20 recite the limitations of claim 1 discussed above, we find that Appellants have also shown error in the Examiner's obviousness rejection of those claims.

Since claim 4 recites the limitations of claim 1 discussed above, and Yuen does not cure the deficiencies noted above, we agree with Appellants that the Examiner's rejection of claim 4 is in error.

V. DECISION

We reverse the Examiner's rejection of claims 1, 2, 4, 6-8, 10, 13-16, 19, and 20 as being unpatentable under 35 U.S.C. § 103(a).

REVERSED

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